

# Hearing outcome for Former PC Richard Hammond

28<sup>th</sup> – 29<sup>th</sup> June and 01<sup>st</sup> July 2022

## Allegations

1. PC JEER, PC HEFFORD and former PC HAMMOND, between December 2017 and December 2018, were part of a WhatsApp messaging group titled “But they promised” and which was used to exchange messages, memes and other content which was inappropriate, highly offensive and discriminatory. The content was discriminatory on grounds of sex, race, religion, sexual orientation and disability. – PROVEN at MISCONDUCT
2. PC JEER, PC HEFFORD and former PC HAMMOND, between December 2017 and December 2018, failed to challenge and/or report the other members of the said WhatsApp messaging group after receiving messages, memes and other content from them which was inappropriate, highly offensive and discriminatory. - WITHDRAWN

## *Background*

Former Police Constable Richard Hammond (Former PC Hammond) faces allegations relating to him being a member of a WhatsApp group together with fellow serving police officers based at Bethnal Green Police Station. The subject matter of postings on the group were frequently of a racist, sexist, Islamophobic and ableist nature. Former PC Hammond is brought before the Misconduct Panel both as a result of racist and discriminatory postings made by him and his failure to challenge or report the actions of the other members of the group.

Former PC Hammond joined the Metropolitan Police Service in 2011. Former PC Hammond is jointly charged in this matter. He was investigated in a separate investigation focussed on criminal allegations by DS XXX, Investigating Officer. Following a forensic download and review of PC Hammond’s mobile telephone in connection to the criminal investigation, pictures were found in the image gallery which were highly discriminatory and offensive, and were discovered to be linked to the WhatsApp group chat entitled, “But they promised”.

The above investigation led in turn to a separate investigation into the content of the “But they Promised” group led by PC XXX.

The group was created in December 2017 and was active between January 2018 and December 2018. The members of the group were all part of a proactive unit at Bethnal Green Police Station between April 2015 and January 2016.

The chat log was reviewed in full. It was determined that Former PC Hammond was a contributor of inappropriate and discriminatory content. None of the respondents challenged any of the others with regards to the content being posted.

It is important to set out a flavour of the content being posted. This includes the following:

An image is of a golly in a red polka dot dress and is entitled “a sneak preview at Megan’s wedding dress” followed by LOL emojis.

An image of a parrot on a Muslim man’s shoulder with the question being asked, where did you get that from? The response recorded from the parrot is... “Bradford, there’s fucking thousands of ‘em”.

An image of Family Fortunes where the question posed is, “We asked 100 normal people what do you associate with Islam and the responses being recorded as; 1. Terrorism 2. Paedophilia 3. Hate preaching 4. Unwelcome invaders 5. Excessive breeders 6. Goat/camel fuckers.

An image of a nun next to a Muslim woman in a hijab with the question posed, “Why is the first one not judged but the second one offends”? to which the response posted, “is nuns don’t randomly explode”.

Two white girls lying next to their black partners on a beach entitled “Girls Trip to Jamaica”. It is captioned, one came back pregnant, the other came back with syphilis. (Just kidding, both are still missing).

Photo of a man decorating a room, captioned “everyone is so politically correct these days you can’t even say black paint. You have to say Tyrone can you please paint that wall”.

Picture of a nativity scene captioned; your girl gets pregnant but you never hit. Says she a virgin. When the baby’s born 3 niggas show up out of nowhere with bottles of murr and shit. What do you do?

An image a man with a disability next to a Tyrannosaurus rex.

A picture of a white dog with a KKK hat on next to a black dog with a rope around its’ neck.

A picture of a black child’s face superimposed onto a body holding a huge penis with a caption on the sweatshirt “The coolest monkey in the jungle”.

The same picture as above but with the face superimposed of a celebrity child with a disability.

A text conversation in respect of a female police officer, off duty who was threatened by 15-year-old youths of having acid thrown in her face, to which PC Hammond responds, “black kid leading those poor white kids astray”.

Image entitled Breaking News from Tower Hamlets Election, followed by a paragraph in Arabic and then stating, “if I hear anything else I’ll let you know”.

As well as the above memes and texts there were a number of video clips.

One of these involved an exercise program in which it was indicated that the exercise was prevaricated by a black man chasing a white woman along the street.

Another video showed a man with dwarfism jumping into the sea with the sound mimicking a small splash.

It is uncontroversial that the content of the above postings was highly offensive and explicitly racist, sexist, Islamophobic and/or ableist.

From an analysis of the chat log it was determined that Former PC Hammond had contributed to the inappropriate and discriminatory content.

The postings in the group were prolonged and covered the period December 2017 until December 2018.

It is Former PC Hammond's evidence that at a social gathering in December 2018, the female member of the group, DC XXX queried the appropriateness of the content being posted on the group and at this juncture postings ceased.

Former PC Hammond, in his evidence, was taken to 3 posts/comments made by him. The first was the nativity scene referred to above. Former PC Hammond took the Panel to the original posting which had been from a black rapper called Murkage Dave. He indicated the post was ironic and that he admired and found the postings of Murkage Dave to be amusing and did not consider it to be racist.

In respect of his comments to his female colleague, he also indicated that he was merely being ironic again and reacting to the horrendous assault with threats that she had suffered and clearly all 15-year-olds members of the gang were nefarious characters.

Finally, in relation to his posting concerning the Tower Hamlets election, he referred to previous election fraud in the area, the prevalence of election fraud and issues in Bangladesh itself and recent events whereby the former banned Mayor was re-elected to office. He indicated that he and colleagues were posted to the area for a long shift on election day. Nonetheless, he admitted that the post was racist and that it was entirely wrong of him to have posted it.

Former PC Hammond indicated that he had participated in various community activities including assisting underprivileged children in the area get access to a boxing gym. He denied being racist or discriminatory in any way in his views or actions.

Former PC Hammond submitted a number of positive references and testimonials in support of his case.

Former PC Hammond admitted the facts of the case. He admitted misconduct but denied gross misconduct.

#### [\*\*Findings on Gross Misconduct/Misconduct\*\*](#)

The Panel reminded itself that Regulation 2(1) of the 2020 Regulations defines Misconduct as being "a breach of the standards of professional behaviour that is so serious as to justify disciplinary action" whilst Gross Misconduct is defined as "a breach of the standards of professional behaviour that is so serious as to justify dismissal."

We further reminded ourselves that the purpose of the police misconduct regime is to: maintain public confidence in and the reputation of the police service; uphold high standards in policing and deter misconduct; and to protect the public.

The panel noted the definition of misconduct set out in the case of Nandi v General Medical Council [2004] EWHC 2317 (Admin) as conduct that would be regarded as deplorable by fellow members of the respondent's profession.

Counsel sought to argue that the above definition was not relevant in respect of the field of police regulation. The panel sought to differ. The definition is widely accepted and applicable to all fields of regulatory law.

The panel were taken to the Police (Conduct) Regulations 2020 (Regulations) and the College of Policing Guidance on Outcomes in Police Misconduct Proceedings. It was argued that Former PC Hammond's conduct was not of the most serious nature because he had not directly discriminated against any individuals. The panel consider that the College of Policing guidance is just that. It provides guidelines and not tramlines. The panel considered that the nature of the racist and sexist postings is very serious in nature and must be treated as such.

The panel found former PC Hammond to be an honest and credible witness who had reflected upon his own postings and those of the wider group. In his evidence it was demonstrated that he had frequently not opened postings or not reacted to them and he frequently indicated that he adopted a "once bitten twice shy" attitude in respect of videos that he had played and which had embarrassed him in public. The panel found that he had significant insight and demonstrated genuine remorse, apology and regret for his actions and behaviour.

Having regard to the four stage test to be applied, in respect of culpability, the panel finds that Former PC Hammond's actions and conduct were not as a result of a lack of thought or consideration. It was considered that he would have always known and been aware that such postings both made by him and others were out and out racist. The panel were unconvinced by the argument that they would be viewed differently a mere 4-5 years ago. Particularly within the environment of the Metropolitan Police Service knowledge concerning equality and diversity and the necessity of engaging in any behaviour which could bring discredit to him or to the police service have been enforced for many years. However, the panel did not find the nativity scene posting was made with the intent of being racist or discriminatory. The other postings made by Former PC Hammond were limited in number.

In respect of harm, Former PC Hammond was discriminatory and racist to a majority sector of society that he and the Metropolitan Police Service were responsible for policing. He was attached to Bethnal Green Police Station. The population covered is extremely diverse and ethnically mixed. However, he only posted in respect of the election issues on one occasion.

In respect of aggravating features, the panel notes the nature of the offensive postings by Former PC Hammond. The panel is not persuaded by an argument that Former PC Hammond stopped posting after a mirror was held up to him and others by DC XXX in

December 2018 as it is considered that Former PC Hammond should have been aware from the outset that it was never acceptable for him to be making such postings. The evidence that it had never crossed Former PC Hammond's mind that his postings might be offensive during the whole of that time was considered to be a significant concern. Former PC Hammond was not considered to be "in a bubble" within the Metropolitan Police Service.

In respect of mitigation, the panel acknowledged the Former PC Hammond has put forward a number of positive references and testimonials indicating that he has never acted in a discriminatory manner. The panel noted the positive community and voluntary work undertaken by PC Hammond to the benefit of some of the sectors of society that his posting affected. He had been a good police officer and received a commendation in respect of his work at the time of the London Bridge terror attacks. Extremely significantly, the panel found former PC Hammond to be an impressive witness who demonstrated genuine insight, apology and regret.

In the light of the totality of the evidence before them, the panel concluded that the postings made by Former PC Hammond which were discriminatory in nature were serious in nature. They were in breach of Regulation 5 of the 2020 Regulations listing the standards of professional behaviour to be adhered to and including:

- a. Equality and diversity
  - i. Police officers act with fairness or unfairly.
- b. Discreditable Conduct
  - i. Police officers behave in a manner which does not discredit the police service or undermine public confidence in it, whether on or off duty.
  - ii. The panel finds that the allegations found proved in respect of allegation 1 amount to misconduct and falls short of the standards expected of an officer of the Metropolitan Police Service.

The panel finds that the allegations found proved in respect of allegation 1 amount to misconduct and falls short of the standards expected of an officer of the Metropolitan Police Service.